

**Duane Morris**

FIRM and AFFILIATE OFFICES

RACHAEL G. PONTIKES  
DIRECT DIAL: (312) 499-6757  
PERSONAL FAX: 312.277.6903  
E-MAIL: rgpontikes@duanemorris.com

www.duanemorris.com

**MOVANT'S COUNSEL IS DIRECTED TO SERVE  
COPY OF THIS ORDER ON ALL PARTIES UPON  
RECEIPT, VIA FACSIMILE.**

May 21, 2010

The Honorable Arthur D. Spatt  
United States District Court  
100 Federal Plaza  
P.O. Box 9014  
Central Islip, New York 11722-9014

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 22 2010 ★

LONG ISLAND OFFICE

NEW YORK  
LONDON  
SINGAPORE  
LOS ANGELES  
CHICAGO  
HOUSTON  
HANOI  
PHILADELPHIA  
SAN DIEGO  
SAN FRANCISCO  
BALTIMORE  
BOSTON  
WASHINGTON, DC  
LAS VEGAS  
ATLANTA  
MIAMI  
PITTSBURGH  
NEWARK  
BOCA RATON  
WILMINGTON  
CHERRY HILL  
PRINCETON  
LAKE TAHOE  
HO CHI MINH CITY

**Re: Taub v. Marchesi Di Barolo S.p.A.  
Case No. CV 09 599**

Dear Judge Spatt:

We represent Marchesi di Barolo S.p.A. ("Marchesi") in the above captioned matter. We seek clarification on the deadline for submitting the additional briefing that Your Honor requested in this Court's May 17, 2010 order (Dkt #124). In its ruling, this Court set May 31, 2010 as the deadline for submitting additional briefing addressing the measure of damages. May 31, 2010 is Memorial Day, and therefore, under Federal Rule of Civil Procedure 6(a)(3), the parties are permitted until June 1, 2010 to file their briefs. Marchesi seeks to confirm that the date on which this Court expects the additional briefing addressing the measure of damages is June 1, 2010.

Plaintiffs' counsel agrees with Marchesi's interpretation of the deadline under the Federal Rules and has no objection to Marchesi submitting this letter to the Court.

We thank the Court for its consideration.

*The parties may submit their briefs on or before  
6/1/10. So Ordered.*

Very truly yours,

/s/  
Rachael G. Pontikes

RGP:ral

cc: All counsel of record via ECF

DUANE MORRIS LLP

190 SOUTH LASALLE STREET, SUITE 3700 CHICAGO, IL 60603-3433  
DM12200956.1

PHONE: 312.499.6700 FAX: 312.499.6701

*1*  
*A*  
*Arthur D. Spatt, U.S.D.J. 5/22/10*